

## REMARKS

In the Office Action of July 22, 2008, claims 1-8 and 10-19 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 7,126,585 (“Davis et al.”). In addition, claim 9 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Davis et al. in view of U.S. Patent No. 6,822,636 (“Wu”).

In response, Applicant has amended the independent claims 1, 3 and 17-19 to more clearly distinguish the claimed invention from the cited reference of Davis et al. Claims 2 and 5-9 have also been amended. As amended, Applicant respectfully asserts that the independent claims 1, 3 and 17-19 are not anticipated by the cited reference of Davis et al., as explained below. In view of the claim amendments and the following remarks, Applicant respectfully requests that the pending claims 1-19 be allowed.

### A. Patentability of Independent Claims 1, 3 and 17-19

As amended, the independent claim 1 recites an “*optical-signal computer mouse*” that comprises “*an optical imaging array sensor operable to capture images of a target surface, the optical imaging array sensor being further operable to receive an optical signal from an optical-signal emitter communicatively coupled to an electronic system, the optical-signal emitter being external to the computer mouse,*” which is not disclosed in the cited reference of Davis et al. Thus, the amended independent claim 1 is not anticipated by the cited reference of Davis et al. As such, Applicant respectfully requests that the amended independent claim 1 be allowed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The cited reference of Davis et al. discloses a single chip optical mouse having an internal mouse assembly 30 that includes a photo detector array 84 and an LED 34. The LED 34 in the optical mouse 10 of Davis et al. has been equated to the claimed “*optical-signal emitter*” of claim 1. However, the LED 34 is internal to the

optical mouse 10. Consequently, the cited reference does not disclose “*an optical-signal emitter*” that is “*external to the computer mouse*,” as recited in the amended independent claim 1. Thus, the amended independent claim 1 is not anticipated by the cited reference of Davis et al. As such, Applicant respectfully requests that the amended independent claim 1 be allowed.

The above remarks are also applicable to the amended independent claims 3 and 17-19, which recite limitations similar to those of the amended independent claim 1. Thus, the amended independent claims 3 and 17-19 are also not anticipated by the cited reference of Davis et al. As such, Applicant respectfully requests that the amended independent claims 3 and 17-19 be allowed as well.

#### B. Patentability of Dependent Claims 2 and 4-16

Each of the dependent claims 2 and 4-16 depends on one of the amended independent claims 1 and 3. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicant submits that these dependent claims are allowable for the same reasons as their respective base claims. Furthermore, these dependent claims may be allowable for additional reasons.

As an example, the amended dependent claim 5 recites “*wherein the emitter comprises a video-display monitor configured to display said optical signal to be received by the optical imaging array sensor of the optical-signal receiver to set the performance characteristic to the second value in response to the optical signal*,” which is not disclosed in the cited reference of Davis et al. As mentioned above, the Office Action has equated the LED 34 in the optical mouse 10 of Davis et al. with the claimed “*emitter*.” Clearly, the LED 34 does not include “*a video-display monitor*.” Thus, the cited reference of Davis et al. does not disclose each limitation of the dependent claim 5.

As another example, the amended dependent claim 8 recites “*wherein the emitter comprises a state-signal receiver operable to receive the state signal from the optical-signal computer mouse and provide the state signal to the generator*,” which is not disclosed in the cited reference of Davis et al. Clearly, the LED 34, which has been

equated to the claimed “emitter,” does not include “*a state-signal receiver.*” Thus, the cited reference of Davis et al. does not disclose each limitation of the dependent claim 8.

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Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

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